

# CITY COUNCIL REPORT



MEETING DATE: January 25, 2005

ITEM NO.   //   GOAL: Coordinate Planning to Balance Infrastructure

## SUBJECT

**Pima Corridor Rezone - 9-ZN-2004**

## REQUEST

Request:

1. To rezone from Single Family Residential District (R1-35) to Industrial Park District (I-1) on a 2 +/- acre parcel located north of northeast corner of Pima Freeway and Raintree Drive.
2. To adopt Ordinance No. 3606 affirming the above rezoning.

### Key Items for Consideration:

- The General Plan designates this area as Employment with a Regional Use Overlay. This request is consistent with that designation.
- Adjacent land uses are commercial/office to the north and south, vacant to the east and the Pima/101 freeway to the west.
- The rezoning would allow office and light industrial uses.
- There is no known opposition.
- Planning Commission recommended approval, 5-0.

### Related Policies, References:

Case 33-ZN-1997#3 for the adjacent property to the south is running concurrent with this case.

## OWNER

Pima Commercial Properties, LLC  
480-607-1970

## APPLICANT CONTACT

Craig Sherman  
Pima Commercial Properties, LLC  
480-607-1970

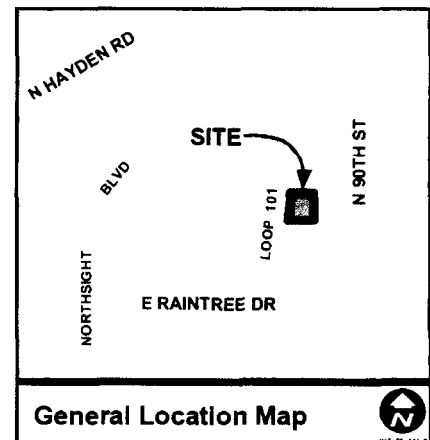
## BACKGROUND

### General Plan.

The City General Plan Land Use Element designates the property as Employment with a Regional Use Designation. The Regional Use Designation is intended to encourage land uses that serve a regional market. Regional land uses include corporate offices, major medical and educational facilities, and other uses having a regional draw that enhances the City's employment core and attractiveness to regional markets.

### Zoning/Context.

This 2-acre property is located approximately 1,200 feet north of the intersection of Pima/101 Freeway and Raintree Drive, and was previously used for construction staging for the Pima/101 Freeway. The site's only direct



access is from the freeway Frontage Road. The site is currently zoned Single Family Residential District (R1-35). To the north of this property are commercial office uses zoned I-1 District, to the south is vacant land planned for commercial offices and mixed uses zoned Central Business District (C-2), to the west is the Pima/101 Freeway, and to the east is a vacant property still zoned R1-35 District. The nearest residence is located over 700 feet to the east.

At the time the applicant purchased the property, the City's zoning map incorrectly showed the zoning of this property as I-1 District. This error inadvertently occurred at the time the zoning for the surrounding properties changed. The City corrected the zoning maps and advised the applicant of the rezoning process to obtain the I-1 zoning.

There is a concurrent zoning case for the adjacent property to the south (33-ZN-1997#3), which proposes amendments to the original zoning stipulations and site plan. Both the applicant of this request (9-ZN-2004) and of 33-ZN-1997#3 have coordinated shared access stipulations along their shared property line.

**APPLICANT'S  
PROPOSAL**

**Goal/Purpose of Request.**

The applicant proposes to rezone the 2-acre property from the R1-35 District to the I-1 District, which will allow a variety of light industrial and commercial office uses. There is currently no site plan proposed, however access to the site will be limited to the southwest corner along the freeway Frontage Road. The applicant has coordinated cross access agreements with the adjacent property owner to the south and east for eventual indirect access from 90<sup>th</sup> Street.

**Development information.**

- *Existing Use:* Vacant
- *Parcel Size:* 2+/- acres
- *Building Height Allowed in I-1:* 36 feet
- *Floor Area Ratio Allowed in I-1:* 0.6 of net lot area
- *Lot Coverage Allowed in I-1:* 50%
- *Setbacks:* 50 feet along the freeway Frontage Road  
30 feet adjacent to residential district

**IMPACT ANALYSIS**

**Land Use.**

The proposed I-1 zoning district allows for a variety of regional land uses that promote employment activities intended along the freeway corridor, including manufacturing and processing, research and development, and office operations. Other major office/employment centers zoned I-1 include the Perimeter Center, Horseman's Park, The Scottsdale Airpark, and portions of Northsight area. The proposed I-1 District is more consistent with the General Plan Land Use Element than the current R1-35 District. Other zoning districts that also promote employment activities and are consistent with the General Plan's Employment/Regional Use Designation include the Commercial Office (C-O) and the Central Business (C-2) District.

**Traffic.**

The rezoning of the property from residential (R1-35) to Industrial Park District (I-1) will likely result in an increase of approximately 550 daily trips. This comparison is based on the ability to provide two single-family residential lots under the R1-35 zoning category, and 34,300 square feet of general office under the I-1 zoning.

Primary access to the site will be from the Pima Freeway frontage road. The applicant has an agreement with the Arizona Department of Transportation to allow a driveway on the frontage road. Staff has met with the applicant and the property owner to the south to secure a cross access agreement that will allow a connection from the site to 90<sup>th</sup> Street. This connection will provide alternative site access and satisfy emergency services need for secondary access.

**GLO Easements.**

This property has a Government Land Office (GLO) patent easement along the south, north, and east property lines. The applicant is proposing a cross access easement in the same location as the GLO easement along the south property line to provide access to the property to the south and east. The developer will make a decision regarding abandonment of the GLO easements on the site as the site plan gets designed. The City's interests in the GLO easements on the property to south were abandoned in 1999 (case 5-AB-1999).

**Water/Sewer.**

There exist water and sewer lines along the freeway Frontage Road, and the developer of this site will be responsible for extending lines necessary to serve this site.

**Police/Fire.**

The rezoning is not expected to impact police or fire services. The nearest fire station is located within two miles of this site at Raintree Drive and Hayden Road.

**Community Involvement.**

The surrounding property owners have been notified, the site has been posted, and the applicant held an open house to discuss the rezoning. Other than from the adjacent property owner to the south, there has been little or no interest from surrounding property owners. Other than general inquiries, there have been no comments regarding this proposal.

**Community Impact.**

Rezoning this property will extend the existing employment/office character along the Freeway Frontage Road, and is compatible with the other I-1 District to the north and C-2 District to the south. Surrounding property owners and neighborhoods have no objections, and the I-1 District will provide a buffer between the Pima/101 Freeway and the residential neighborhood further to the east. Although no site plan was submitted with this application, stipulations provide certainty that access to the Freeway Frontage Road will be located at the southwest corner of the site, and shared access has been coordinated with

the property owner to the south. The Development Review Board will review the interior site layout and building design.

**OTHER BOARDS AND  
COMMISSIONS****Planning Commission.**

This case was continued by the Planning Commission on December 1, 2004, at the staff's and the applicant's request, to allow more time to finalize the shared access with the property owner to the south. At that hearing, a citizen expressed concerns regarding GLO easements on the property and in the area.

The Planning Commission heard this case on December 15, 2004. At that hearing, no one spoke regarding this case and the Planning Commission recommended approval subject to the attached stipulations, 5-0.

**STAFF  
RECOMMENDATION****Recommended Approach:**

Staff recommends approval, subject to the attached stipulations.

**RESPONSIBLE  
DEPT(S)**


**Planning and Development Services Department**  
Current Planning Services

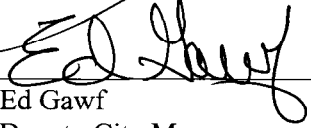
**STAFF CONTACT(S)**

Tim Curtis  
Project Coordination Manager  
480-312-4210  
E-mail: [tcurtis@ScottsdaleAZ.gov](mailto:tcurtis@ScottsdaleAZ.gov)

Randy Grant  
Chief Planning Officer  
480-312-7995  
E-mail: [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov)

**APPROVED BY**

  
Randy Grant  
Chief Planning Officer  
11/2/05  
Date

  
Ed Gawf  
Deputy City Manager  
11/7/05  
Date

**ATTACHMENTS**

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Ordinance No. 3606  
Exhibit 1. Stipulations  
Exhibit 2. Zoning Map
5. Additional Information
6. Citizen Involvement
7. City Notification Map
8. Shared Access Exhibit
9. December 1, 2004 Planning Commission Minutes
10. December 15, 2004 Planning Commission Minutes

## PROJECT DESCRIPTION

This project is requesting approval for the rezoning of a 2.25 acre parcel from R1-35 status to I-1 designation. The Landowner/Applicant acquired this parcel from ADOT in 2003. Due to an inadvertent error in the maps provided by the City of Scottsdale to ADOT, ADOT represented this parcel at the time of sale as being zoned I-1. After the sale, Applicant discovered that an error was made on City maps regarding this parcel. This request for rezoning is intended to correct the situation and allow Applicant to develop the land commercially. The property on the north is zoned I-1 and the property to the south is zoned C-2. The west border of the property fronts the Pima Freeway. The eastern border of the property is over 700 feet from the closest existing residential development.

The adjacent property owner successfully petitioned for a rezoning of its 21.5 acres from R1-35 to I-1 status in Case #33-ZN-97. Approval of the rezoning of Applicant's parcel would allow the parcel to be developed in conformance with the General Plan of the City of Scottsdale. The Character Plan of the Environmental Design Element of the General Plan designates the Pima Freeway Corridor as a Visually Important Roadway. It states that the area along the Pima Freeway will be a dense mixed-use employment core. The Applicant proposes to seek rezoning of its parcel in order to develop a commercial building consistent with the General Plan.

ATTACHMENT #1

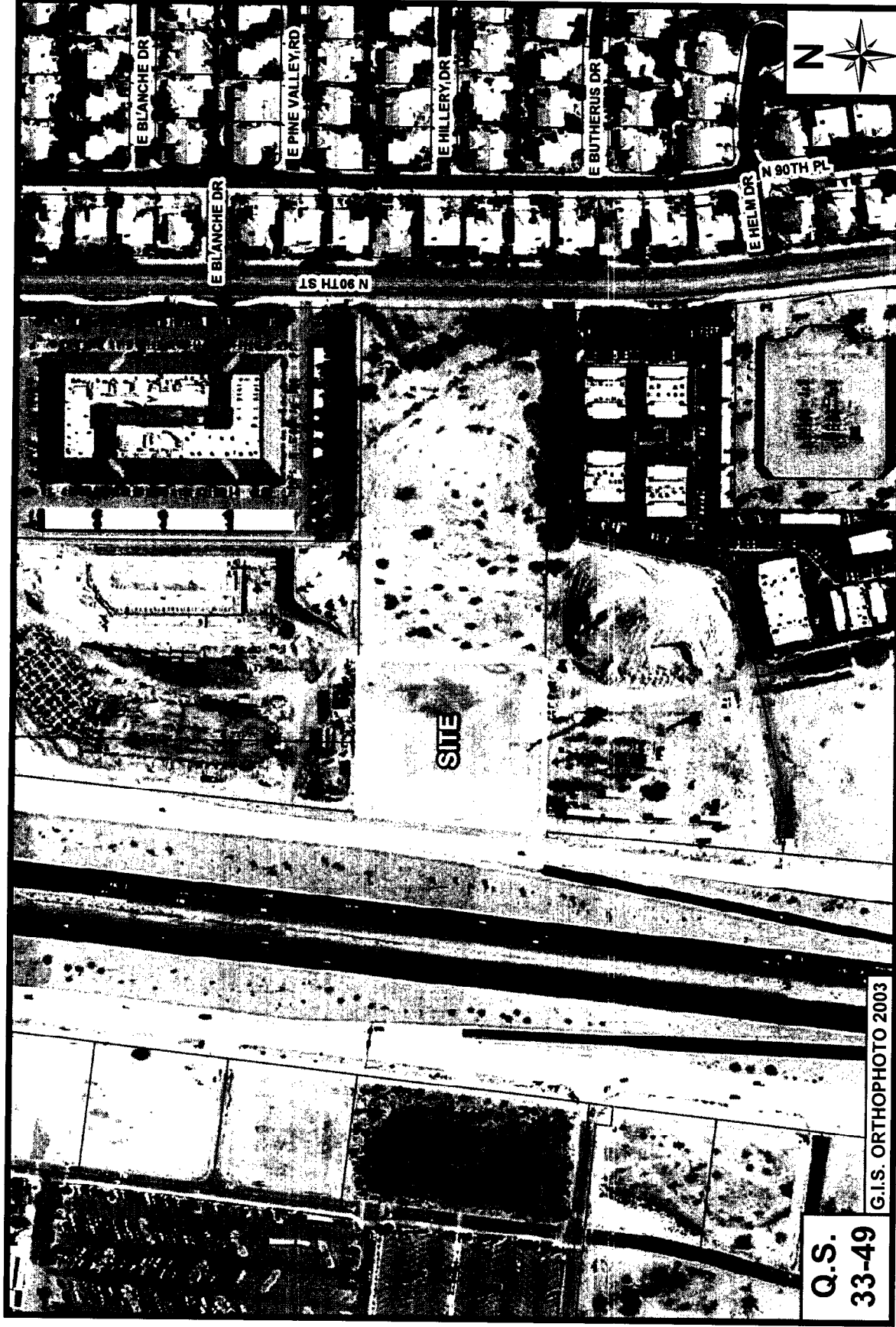
9-ZN-2004  
4/30/2004



9-ZN-2004

Pima Corridor Rezone

ATTACHMENT #2



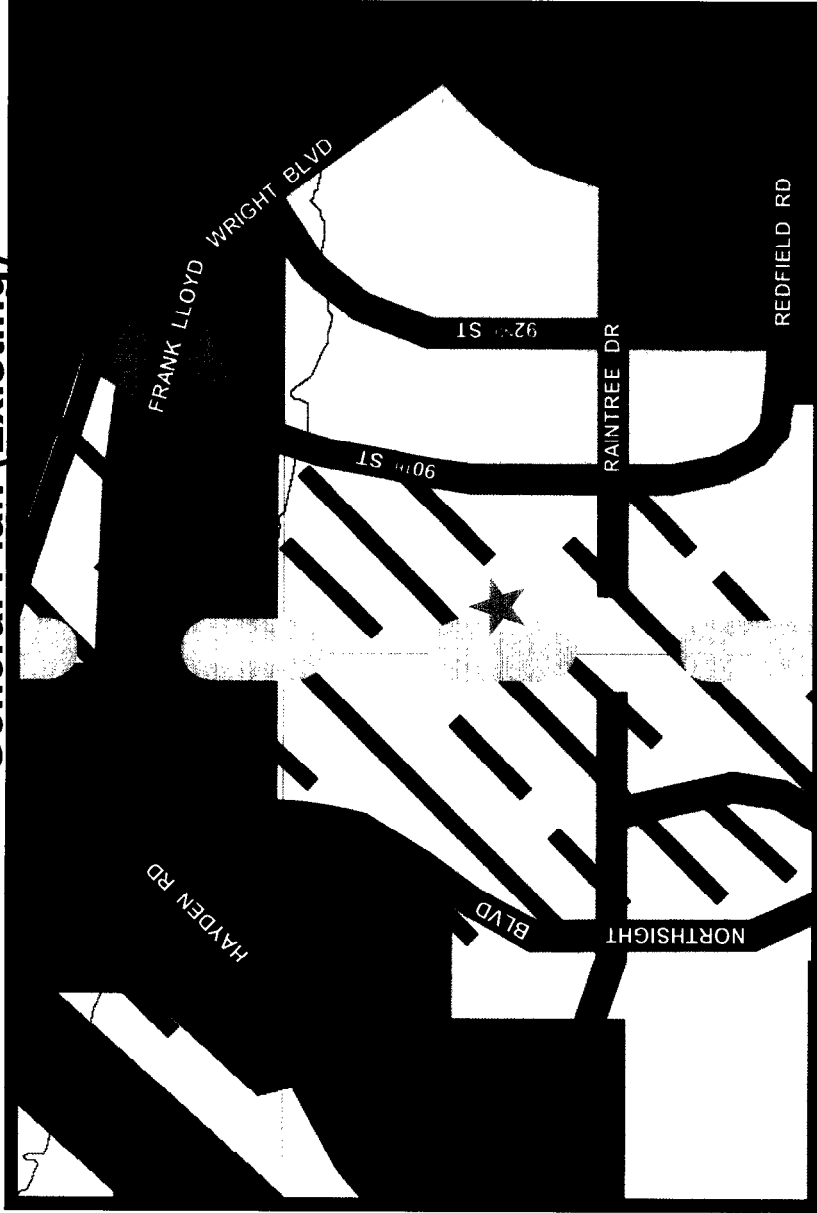
Pima Corridor Rezone

9-ZN-2004

ATTACHMENT #2A



# General Plan (Existing)



- Rural Neighborhoods
- Suburban Neighborhoods
- Urban Neighborhoods
- Mixed-Use Neighborhoods
- Resorts/Tourism
- Shea Corridor
- Mayo Support District
- Regional Use District
- Commercial
- Office
- Employment
- Natural Open Space
- Developed Open Space (Parks)
- Developed Open Space (Golf Courses)
- Cultural/Institutional or Public Use

- McDowell Sonoran Preserve (as of 8/2003)
- Recommended Study Boundary of the McDowell Sonoran Preserve
- City Boundary
- Location not yet determined
- Adopted by City Council October 30, 2001
- Ratified by Scottsdale voters March 12, 2002
- revised to show McDowell Sonoran Preserve as of May 2004
- revised to reflect General Plan amendments through June 2004



9-ZN-2004  
ATTACHMENT #3

ORDINANCE NO. 3606

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 9-ZN-2004, FROM R1-35 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO I-1 (INDUSTRIAL PARK DISTRICT), ON A 2 +/- ACRE PARCEL LOCATED NORTH OF THE NORTHEAST CORNER OF THE PIMA FREEWAY AND RAINTREE DRIVE.

WHEREAS, the Planning Commission and City Council have held hearings on and considered Zoning Case No. 9-ZN-2004; and

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale ("District Map") be amended to conform with the decision of the Scottsdale City Council in Case No. 9-ZN-2004.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

Section 1. That the "District Map" adopted as a part of the Zoning Ordinance of the City of Scottsdale, showing the zoning district boundaries is amended, as follows:

The 2+/- acre parcel located north of the northeast corner of the Pima Freeway and Raintree Drive (the "Property"), as illustrated on the zoning map attached hereto as Exhibit 2, and incorporated herein by reference, currently zoned as R1-35 (Single Family Residential District) is changed to I-1 (Industrial Park District).

Section 2. That the above rezoning approval is conditioned upon compliance with all stipulations attached hereto as Exhibit 1 and incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 25 day of January, 2005.

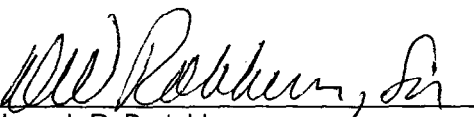
ATTEST:

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By: \_\_\_\_\_  
Carolyn Jagger  
City Clerk

By: \_\_\_\_\_  
Mary Manross  
Mayor

APPROVED AS TO FORM:

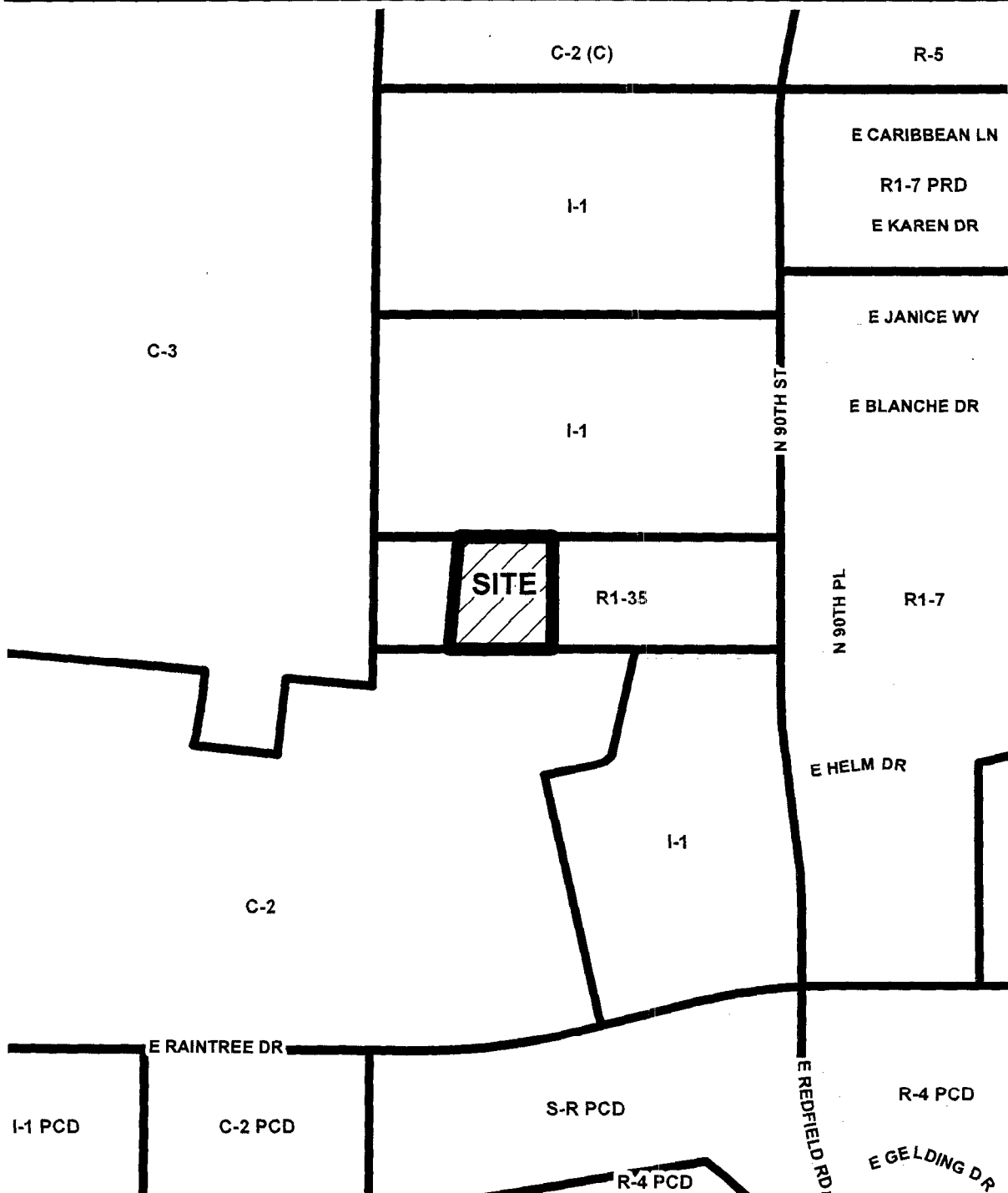
By:   
Joseph R. Bertoldo  
City Attorney

## STIPULATIONS FOR CASE 9-ZN-2004

### CIRCULATION

1. ACCESS RESTRICTIONS. Before issuance of any certificate of occupancy for the site, the developer shall construct the following access to the site:
  - a. Pima Freeway frontage road - There shall be a maximum of one site driveway (right in, right out) located at the southwestern corner of the property. The driveway design and location shall be subject to Arizona Department of Transportation approval.
2. AUXILIARY LANE CONSTRUCTION. Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct right-turn deceleration lane at the site entrance on Pima Freeway Frontage Road, in conformance with the Design Standards and Policies Manual. The design requirements shall be subject to conformance with Arizona Department of Transportation standards and shall be subject to their approval.
3. EASEMENT REQUIREMENTS. Before any Development Review Board approval for any development on this site, the developer shall dedicate an access easement across the parcel in a form acceptable to City staff. The access easement shall be dedicated to provide access for the adjacent parcel to the south, ultimately connecting the site driveway on Pima Freeway frontage road through the subject parcel to the access easement on the parcel to the south labeled "Proposed Easement (Sherman)" on the Proposed Shared Access Exhibit dated November 24, 2004 (staff report Attachment 10). The developer shall construct a minimum twenty-four (24) foot wide paved driveway within the easement and within the aforementioned easement on the parcel to the south. The design and location of the easement shall be coordinated with the owner/developers of the aforementioned adjacent parcel, and shall be subject to staff review and approval.

Rezone from Single Family Residential District (R1-35) to Industrial Park District (I-1)



9-ZN-2004

EXHIBIT 2

## **ADDITIONAL INFORMATION FOR CASE 9-ZN-2004**

### **ENGINEERING**

1. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.

### **DRAINAGE AND FLOOD CONTROL**

1. **CONCEPTUAL DRAINAGE REPORT.** With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the conceptual drainage report and plan shall:
  - a. Identify all major wash corridors entering and exiting the site, and calculate the peak discharge (100-yr, 6-hr storm event) for a pre- versus post-development discharge comparison of ALL washes which exit the property.
  - b. Determine easement dimensions necessary to accommodate design discharges.
  - c. Demonstrate how the storm water storage requirement is satisfied, indicating the location, volume and drainage area of all storage.
  - d. Include flood zone information to establish the basis for determining finish floor elevations in conformance with the Scottsdale Revised Code.
  - e. Include a complete description of requirements relating to project phasing.

### **WATER**

1. **NEW WATER FACILITIES.** Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all water lines and water related facilities necessary to serve the site. Water line and water related facilities shall conform to the city Water System Master Plan.

### **WASTEWATER**

1. **NEW WASTEWATER FACILITIES.** Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all sanitary sewer lines and wastewater related facilities necessary to serve the site. Sanitary sewer lines and wastewater related facilities shall conform to the city Wastewater System Master Plan.

**REZONING CASE NO. 9-ZN-2004**

**NORTH OF THE NORTHEAST CORNER  
OF  
THE PIMA FREEWAY AND RAINTREE DRIVE**

**Applicant  
Pima Commercial Properties**

**CITIZEN REVIEW REPORT**

**ATTACHMENT #6**

## **Pima Commercial Properties Citizen Review Report**

### **Project Location:**

North of the Northeast Corner of the Pima Freeway and Raintree Drive

### **Owner of Record and Applicant:**

Pima Commercial Properties, LLC

### **Applicant Representative:**

Gammage & Burnham – Grady Gammage, Jr. and Stephen Anderson

### **Neighborhood Contacts Made:**

The Applicant submitted this Rezoning Case to the City of Scottsdale on April 30, 2004.

### **Mailing**

On May 3, 2004, the Applicant sent a letter to all property owners of record within 750 feet of the subject property. The mailing list included 26 persons or entities. A copy of the form of the letter, the mailing list and a certificate of mailing from the US Postal Service is attached as **Exhibit 1**. The letter invited interested neighbors to attend an open house on May 26, 2004 at the Horizon Community Center. It also invited interested persons to call or write both the applicant and the City of Scottsdale.

In response to this mailing, the Applicant received one phone call from the Kostas, who live on the east side of 90<sup>th</sup> Street at 14982 North 90<sup>th</sup> Place. The Kostas inquired about access from the site to 90<sup>th</sup> Street. The applicant explained to the Kostas that at this time, there is no improved access to 90<sup>th</sup> Street, and that the applicant is not aware of any current plan to extend access to 90<sup>th</sup> Street.

The applicant prepared a Community Input Certification form on May 5, 2004. A copy of that form is attached as **Exhibit 2**.

Subsequent to the execution of the Community Input Certification form, the City received a letter from the Arizona Department of Transportation. ADOT indicated that at this time, they have no comment on the proposed rezoning, but did reserve the right to comment on access or other issues that may impact the Pima Freeway. A copy of ADOT's letter is attached as **Exhibit 3**. The applicant has asked its traffic engineer, Tove White at Kimley Horn, to work with ADOT on the design of a safe access to and from the Pima Freeway Frontage Road.

### Posting

The applicant has posted a sign on the site indicating that a rezoning application is pending with the City. A copy of the applicant's Affidavit of Posting is attached as **Exhibit 4**. The applicant is not aware of any contacts made by interested passersby to the City in response to this posting.

### Open House

On May 26, 2004, the applicant hosted an Open House at the Horizon Community Center from 6 to 7 PM. Only one property owner attended the Open House, Cavan Properties. Cavan Properties owns the commercial developments to the north and the south of the project site. Cavan Properties had three persons in attendance at the Open House: Mark Cavan, a principal of the company; Dennis Cain, Cavan Properties' engineer; and Kathy "Zrara," an on-site property manager for Cavan Properties. A copy of the sign-in sheet from the Open House is attached as **Exhibit 5**.

The primary concern raised by the Cavan Properties representatives was access to and from the site. The applicant and his counsel explained that the subject property has direct access to the Pima Freeway Frontage Road as the result of the deed which ADOT provided at the time the applicant acquired the subject property from ADOT. Mr. Cain expressed concern about the safety of such an access point. The applicant and his counsel assured those in attendance that they would work with the City and ADOT to ensure a safe access design. The applicant also committed to continue engaging in dialogue with Cavan Properties about the possibility of cross-access easements in the future.

A secondary concern raised by Mr. Cain was the absence of a preliminary site plan. The applicant and his counsel explained that the City had determined that a site plan was not necessary at this time. The applicant and his counsel further explained that at such time as a specific site plan was developed, there would be additional public hearings and notice to interested neighbors such as Cavan Properties.

Although the City had intended to send a representative to this Open House, the City staff person who had planned to attend the Open House had a last minute conflict that prevented her attendance.

On June 8, the applicant had a private meeting with Mr. Cavan. At that time, they continued informal discussions regarding access issues in the general area, but did not attempt to reach any conclusions.

City staff has indicated its intent to host a meeting of the applicant and Cavan Properties to discuss access issues in the area. The applicant's counsel is currently coordinating the scheduling of such a meeting, and it is anticipated that this meeting will take place in the next few weeks.



Pima Commercial Properties, LLC  
15111 N. Hayden Rd. #160-118  
Scottsdale, AZ 85260

May 3, 2004

Raintree Corporate Center  
8960 E. Raintree Dr. #100  
Scottsdale, AZ 85260

Re: Case #212-PA-04, Property Located North of Raintree Drive, South of  
Frank Lloyd Wright Boulevard, and East of the Pima Freeway  
(Assessor Parcel Number #217-15-035A)

Dear Property Owner:

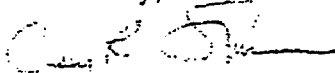
The purpose of this letter is to advise you that a rezoning application has been submitted to the City of Scottsdale with respect to the 2.25 acre property as described above. This property is one of the few properties in the developing freeway frontage area that is still zoned residential, as the area was when this part of Scottsdale was annexed from Maricopa County years ago.

The application requests a rezoning of the property from R1-35 (single family residential) to I-1 (industrial park). The application proposes future office use. This application is consistent with the General Land Use Plan of the City of Scottsdale that designates the property for "Employment" uses. Adjacent properties north and south are already commercially zoned.

You are invited to attend a neighborhood open house meeting scheduled to provide an opportunity for you to learn more about the proposed rezoning, to provide public input, and to ask questions. The meeting will be held on May 26, 2004 at the Horizon Community Center, Room 2 at 6 - 7 p.m. The Center is located at 15440 N. 100<sup>th</sup> Street, Scottsdale.

The City of Scottsdale Coordinator for this case is Mr. Kurt Jones. He can be reached at (480) 312-2524 or [kjones@scottsdaleaz.gov](mailto:kjones@scottsdaleaz.gov). Please call me at (480) 607-1970 or [vista96132@aol.com](mailto:vista96132@aol.com) if you have any questions.

Sincerely,



Craig Sherman  
Manager

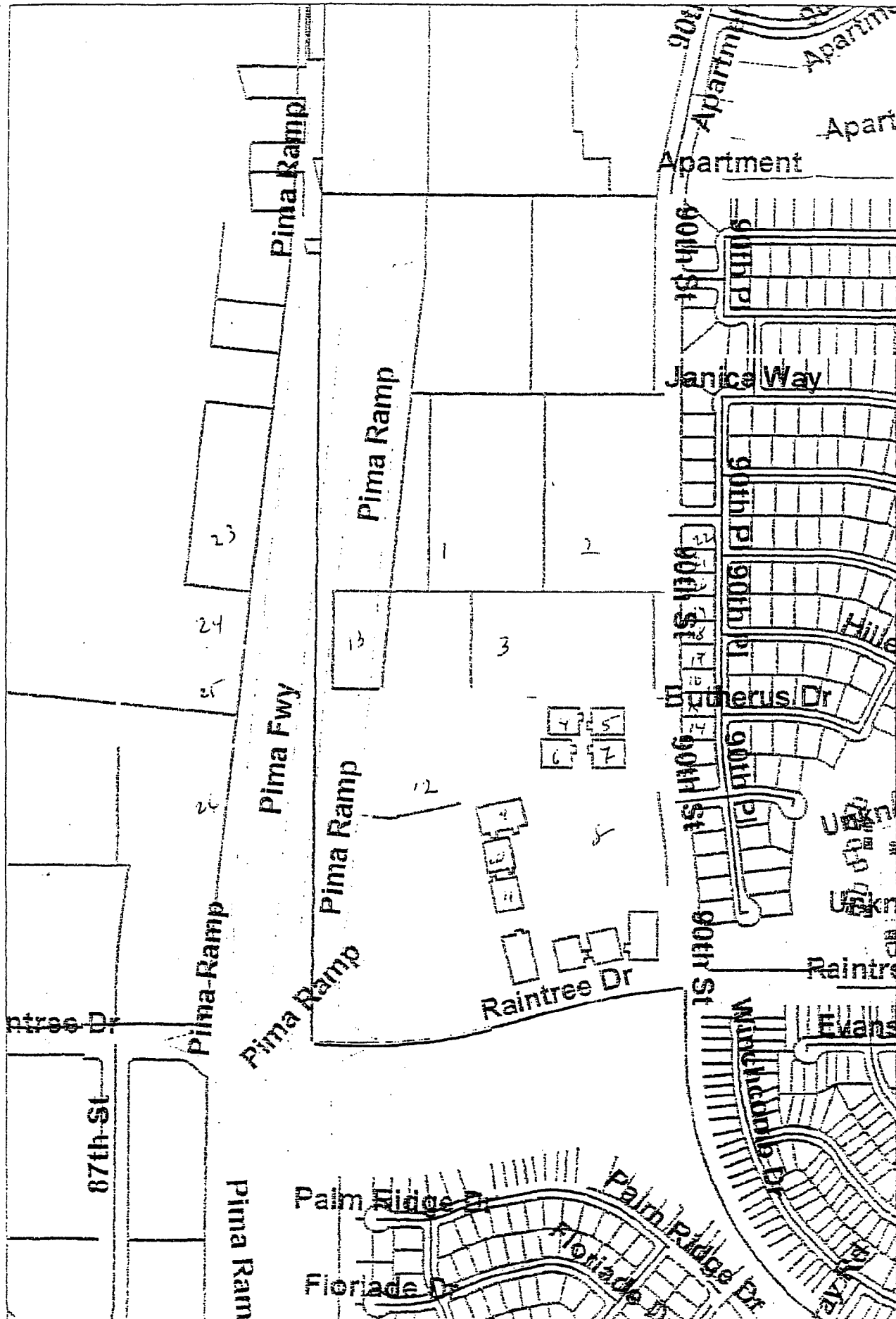
# PROPERTY OWNERS WITHIN 750 FEET OF 217-15-035A

1	Raintree Corporate Center	8960 E. Raintree Dr.	Suite 100	Scottsdale	AZ	85260
2	Albertsons, Inc.	P. O. Box 20		Boise	ID	83726
3	Mr. Eugene Wesoloski	464 W. Cheery Lynn		Phoenix	AZ	85013
4	Shurwest Investment, LLC	8980 E. Raintree Drive	Suite 100	Scottsdale	AZ	85260
5	Mr. Gregory Brown	14307 E. Hawknest Rd.		Scottsdale	AZ	85262
6	8970 Raintree LLC	8970 E. Raintree Drive		Scottsdale	AZ	85260
7	GHA Office Venture, LLC	8998 E. Raintree Drive		Scottsdale	AZ	85260
8	Arizona Public Service	P. O. Box 53999	Sta. 9282	Phoenix	AZ	85072
9	8960 Raintree LLC	8960 E. Raintree Dr.	Suite 100	Scottsdale	AZ	85260
10	EWC 8950 Raintree LLC	8950 E. Raintree Dr.	Suite 100	Scottsdale	AZ	85260
11	Yozipovic Properties, LLC	8940 E. Raintree Dr.		Scottsdale	AZ	85260
12	Raintree Corporate Center	8960 E. Raintree Dr.	Suite 100	Scottsdale	AZ	85260
13	Arizona Dept. of Transportation	205 S. 17th Ave.	Suite 612 E	Phoenix	AZ	85007
14	Mr. & Mrs. Donald J. Clark	14862 N. 90th Place		Scottsdale	AZ	85260
15	Mr. & Mrs. David M. Waddle	14886 N. 90th Place		Scottsdale	AZ	85260
16	Ms. Lisa Whisenant	14910 N. 90th Place		Scottsdale	AZ	85260
17	Ms. Elizabeth A. Spies	249 Lakeshore Dr.	Suite 5	Arnolds Park	IA	51331
18	Ms. Janice Dioreto	14958 N. 90th Place		Scottsdale	AZ	85260
19	Mr. & Mrs. Agron N. Kosta	14982 N. 90th Place		Scottsdale	AZ	85260
20	Mr. & Mrs. Laurence S. Webster	15006 N. 90th Place		Scottsdale	AZ	85260
21	Mr. & Mrs. Brian N. Calendine	15030 N. 90th Place		Scottsdale	AZ	85260
22	Mr. & Mrs. Kamran Ala-Abadi	15054 N. 90th Place		Scottsdale	AZ	85260
23	Scottsdale Retail Center	2320 Paseo Del Prado	Bldg B, Suite 305	Las Vegas	NV	89102
24	Wal-Mart Stores	1301 SE 10th St. #1512		Bentonville	AR	72716
25	Mall at the Crossroads, Inc.	19208 59th Dr. NE		Arlington	WA	98223
26	Mall at the Crossroads, Inc.	19208 59th Dr. NE		Arlington	WA	98223

4/20/04

9-ZN-2004  
4/30/2004

# County Parcels



Name and Address of Sender  
 Penn. Commonwealth Newspaper  
 12501 N. 91st Ave  
 S. 14530 D. AZ 85220

Check type of mail or service:  
☐ Certified  
☐ COD  
☐ Registered  
☐ Return Receipt for Merchandise  
☐ Signature Confirmation  
☐ Insured

Recorded Delivery (International)  
☐ Registered  
☐ Return Receipt for Merchandise  
☐ Signature Confirmation  
☐ Insured

Affix Stamp Here  
 (If issued as a certificate of mailing, or for additional copies of this bill)  
 Postmark and Date of Receipt

Line	Name and Address of Recipient	Article Number	Address	Postage	Handling Charge	Actual Value (if Registered)	Insured Value	Duo Sendor (if COI)	DC Fee	SC Fee	III Fee	III Fee
1	Reynolds Corporate Center		3000 E. Pennsylvania Dr. #1000	4.42								
2	Robert Jones		5000 E. Pennsylvania Dr. #1000	.37								
3	Lester Whisenant		5000 E. Pennsylvania Dr. #1000	.37								
4	Waggle		5000 E. Pennsylvania Dr. #1000	.37								
5	Dan Lander		5000 E. Pennsylvania Dr. #1000	.37								
6	Harbort		5000 E. Pennsylvania Dr. #1000	.37								
7	Mad at the Camps		5000 E. Pennsylvania Dr. #1000	.37								
8	Vol. Mart		5000 E. Pennsylvania Dr. #1000	.37								
9	Ata-Arji		5000 E. Pennsylvania Dr. #1000	.37								
10	Calendine		5000 E. Pennsylvania Dr. #1000	.37								
11	Scottsdale Retail Center		5000 E. Pennsylvania Dr. #1000	.37								
12	Wesley		5000 E. Pennsylvania Dr. #1000	.37								
13	Sipes		5000 E. Pennsylvania Dr. #1000	.37								
14	Kuska		5000 E. Pennsylvania Dr. #1000	.37								
15	Dilovete		5000 E. Pennsylvania Dr. #1000	.37								
Total Number of Pieces Listed by Sender			Total Number of Pieces Received at Post Office									

U.S. POSTAGE  
 \$4.70  
 0061-1823-05  
 SCOTTSDALE, AZ  
 MAY 8 2004  
 USPS  
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 5996

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$500 per piece subject to additional limitations for multiple pieces lost or damaged in a single catastrophic occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500, but optional Express Mail Service Merchandise Insurance is available for up to \$5,000 to some, but not all countries. The maximum indemnity payable is \$25,000 for registered mail. See Domestic Mail Manual (DMM) 9900, 9913, and 9921 for limitations of coverage on insured and COI mail. See International Mail Manual (IMM) for limitations of coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.

Postmaster, Per (Name of receiving employee)  
 [Signature]

Complete by Typewriter, Ink, or Ball Point Pen

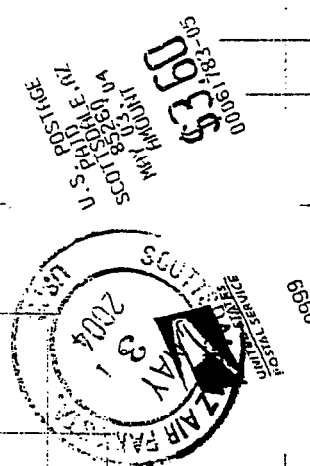
Name and Address of Sender  
 Ponce Commercial Properties  
 1305 N. 1st St.  
 Suite 100, AZ 85701

Check type of mail or service:  
☐ Certified  
☐ COD  
☐ Delivery Confirmation  
☐ Express Mail  
☐ Insured  
☐ Recorded Delivery (International)  
☐ Registered  
☐ Return Receipt for Merchandise  
☐ Signature Confirmation

Postmark and Date of Receipt

Alfix Stamp Here (If issued as a certificate of mailing, or for additional copies of this bill)

Line	Article Number	Addressee Name, Street, and PO Address	Postage	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	SC Fee	SI Fee	HD Fee	HR Fee
1	Chick	1305 N. 1st St. Suite 100, AZ 85701	37	30							
2	ADCT	1305 N. 1st St. Suite 100, AZ 85701	37								
3	2WL SWSO Venture Inc	200 S. 1st St. Suite 100, AZ 85701	37								
4	S900 Real Estate LLC	200 S. 1st St. Suite 100, AZ 85701	37								
5	AP's	200 S. 1st St. Suite 100, AZ 85701	37								
6	GWA Office Venture Inc	200 S. 1st St. Suite 100, AZ 85701	37								
7	S910 Real Estate LLC	200 S. 1st St. Suite 100, AZ 85701	37								
8	Chicopee Properties	200 S. 1st St. Suite 100, AZ 85701	37								
9	Protons	200 S. 1st St. Suite 100, AZ 85701	37								
10	Albertsons, Inc	200 S. 1st St. Suite 100, AZ 85701	37								
11	Wegmans K'	200 S. 1st St. Suite 100, AZ 85701	37								
12	Seventy Investment	200 S. 1st St. Suite 100, AZ 85701	37								
13											
14											
15											



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Postmaster, Per (Name of receiving employee)

Total Number of Pieces Listed by Sender: 12  
 Total Number of Pieces Received at Post Office: 12

Complete by Typewriter, Ink, or Ball Point Pen

2003 3110 0001 3565 3402

**U.S. Postal Service<sup>TM</sup>**  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.37	UNIT ID: 0630 MALE, AZ Postmark MAV Clerk: DFJDBB 05/08/04 USPS
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.42	

Sent To *Raintree Corporate Center*

Street, Apt. No.,  
or PO Box No. *5960 E Raintree Dr. #104*

City, State, ZIP+4<sup>®</sup> *Scottsdale, AZ 85260*

PS Form 3800, June 2002 See Reverse for Instructions




CASE NO: 212-PA-2004

PROJECT LOCATION: APN 217-15-035A

## COMMUNITY INPUT CERTIFICATION

In the City of Scottsdale it is important that all applicants for rezoning, use permit, and/or variances inform neighboring residents, affected school districts, and other parties that may be impacted by the proposed use, as well as invite their input. The applicant shall submit this completed certification with the application as verification that such contact has been made.

Date	Name (person, organization, etc.) and address	Contact Format		
		Meeting	Phone	Letter
5/3/04	Arizona Dept. of Transportation 205 S. 17th Ave. #612-E Phoenix, AZ			5/3/04
5/3/04	Clark 14862 N. 90th Place Scottsdale, AZ			5/3/04
5/3/04	Waddle 14886 N. 90th Place Scottsdale, AZ			5/3/04
5/3/04	Whisenant 14910 N. 90th Place Scottsdale, AZ			5/3/04
5/3/04	Spies 249 Lakeshore Dr. #5 Arnolds Park, IA			5/3/04
5/3/04	Diloreto 14958 N. 90th Place Scottsdale, AZ			5/3/04
5/3/04	Kosta 14982 N. 90th Place Scottsdale, AZ		5/4/04	5/3/04
5/3/04	Webster 15006 N. 90th Place Scottsdale, AZ			5/3/04
5/3/04	Calendine 15030 N. 90th Place Scottsdale, AZ			5/3/04
5/3/04	Ata-Abadi 15054 N. 90th Place Scottsdale, AZ			5/3/04
5/3/04	Scottsdale Retail Center 2320 Paseo Del Prado #B-305 Las Vegas, NV			5/3/04

  
Signature of owner/applicant

May 5, 2004  
Date



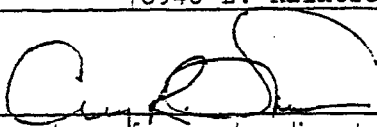
CASE NO: 212-PA-2004

PROJECT LOCATION: APN 217-15-035A

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In the City of Scottsdale it is important that all applicants for rezoning, use permit, and/or variances inform neighboring residents, affected school districts, and other parties that may be impacted by the proposed use, as well as invite their input. The applicant shall submit this completed certification with the application as verification that such contact has been made.

Date	Name (person, organization, etc.) and address	Contact Format		
		Meeting	Phone	Letter
5/3/04	Raintree Corporate Center 8960 E. Raintree Dr. #100 Scottsdale, AZ			5/3/04
5/3/04	Albertsons, Inc. P. O. Box 20 Boise, ID 83726			5/3/04
5/3/04	Wesolowski 464 W. Cheery Lynn Phoenix, AZ 85013			5/3/04
5/3/04	Surwest Investment, LLC 8980 E. Raintree Dr. #100 Scottsdale, AZ			5/3/04
5/3/04	Brown 14307 E. Hawknest Rd. Scottsdale, AZ 85262			5/3/04
5/3/04	8970 Raintree LLC 8970 E. Raintree Dr. Scottsdale, AZ			5/3/04
5/3/04	GHA Office Venture, LLC 8998 E. Raintree Dr. Scottsdale, AZ			5/3/04
5/3/04	Arizona Public Service P. O. Box 53999 Phoenix, AZ 85072			5/3/04
5/3/04	8960 Raintree LLC 8960 E. Raintree Dr. #100 Scottsdale, AZ			5/3/04
5/3/04	EWG 8950 Raintree LLC 8950 E. Raintree Dr. #100 Scottsdale, AZ			5/3/04
5/3/04	Yozipovic Properties, LLC 8940 E. Raintree Dr. Scottsdale, AZ			5/3/04

  
Signature of owner/applicant

May 5, 2004  
Date






CASE NO: 212-PA-2004

PROJECT LOCATION: APN 217-15-035A

## COMMUNITY INPUT CERTIFICATION

In the City of Scottsdale it is important that all applicants for rezoning, use permit, and/or variances inform neighboring residents, affected school districts, and other parties that may be impacted by the proposed use, as well as invite their input. The applicant shall submit this completed certification with the application as verification that such contact has been made.

Date	Name (person, organization, etc.) and address	Contact Format		
		Meeting	Phone	Letter
5/3/04	Wal-Mart 1301 SE 10th St. #1512 Bentonville, AR			5/3/04
5/3/04	Mall at the Crossroads, Inc. 19208 59th Dr. NE Arlington, WA 98223			5/3/04
5/3/04	Hurlburt 14326 N. 89th St. Scottsdale, AZ			5/3/04
5/3/04	Drinkwater 9062 E. Gelding Dr. Scottsdale, AZ			5/3/04

  
\_\_\_\_\_  
Signature of owner/applicant

May 5 2004  
\_\_\_\_\_  
Date



**Arizona Department of Transportation**  
**Intermodal Transportation Division**

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano  
*Governor*

Victor M. Mendez  
*Director*

Debra Brisk  
*Deputy Director*

May 10, 2004

City of Scottsdale Planning Department  
7447 East Indian School Road #105  
Scottsdale, Arizona 85251  
Attention: Mr. Kurt Jones

RE: 212-PA-04 / South of Frank Lloyd Wright Boulevard/ North of Raintree Drive  
& 101 Loop North

Dear Mr. Jones:

Thank you for your notification regarding the Rezoning for the subject referenced above. We have no comment at this time regarding the proposed Rezoning.

However, ADOT wants the City and the developer to know that ADOT does have traffic controls and access limitations on that section of frontage road. ADOT must be kept informed of the progress on the zoning and development plans for this area.

**ADOT does reserve the right to review and comment on all development plans for this site as to any impact they may have on the State Highway System.**

Should you have any questions, you may contact me at 602-712-8755 or by fax at 602-712-3051, or in writing at 205 S. 17<sup>th</sup> Avenue, Right of Way Project Management Section, Suite 349 MD 612E, Phoenix, Arizona 85007. Thank you in advance for your cooperation.

Sincerely,

LOUIS J. MALLOQUE,  
Right of Way Agent III





AFFIDAVIT OF POSTING  
PUBLIC HEARING NOTICE

CASE NUMBER: 212 - PA - 2004

PROJECT NAME: \_\_\_\_\_

LOCATION: APN 217-15-035A Scottsdale AZ 85260

SITE POSTING DATE: 05-04-2004

APPLICANT NAME: Craig Sherman

SIGN COMPANY NAME: Scottsdale Sign A Rama LLC

PHONE NUMBER: 480-994-4000

I confirm that the site has been posted as indicated by the Project Manager for the case as listed. Pictures of site posting's have been submitted.

Craig Sherman

Applicant signature

5-4-04

Date

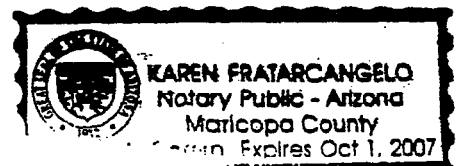
Karen Fratarangelo  
Notary Public

Acknowledged before me this 4<sup>th</sup> day of May 2004

My commission expires 10/1/2007

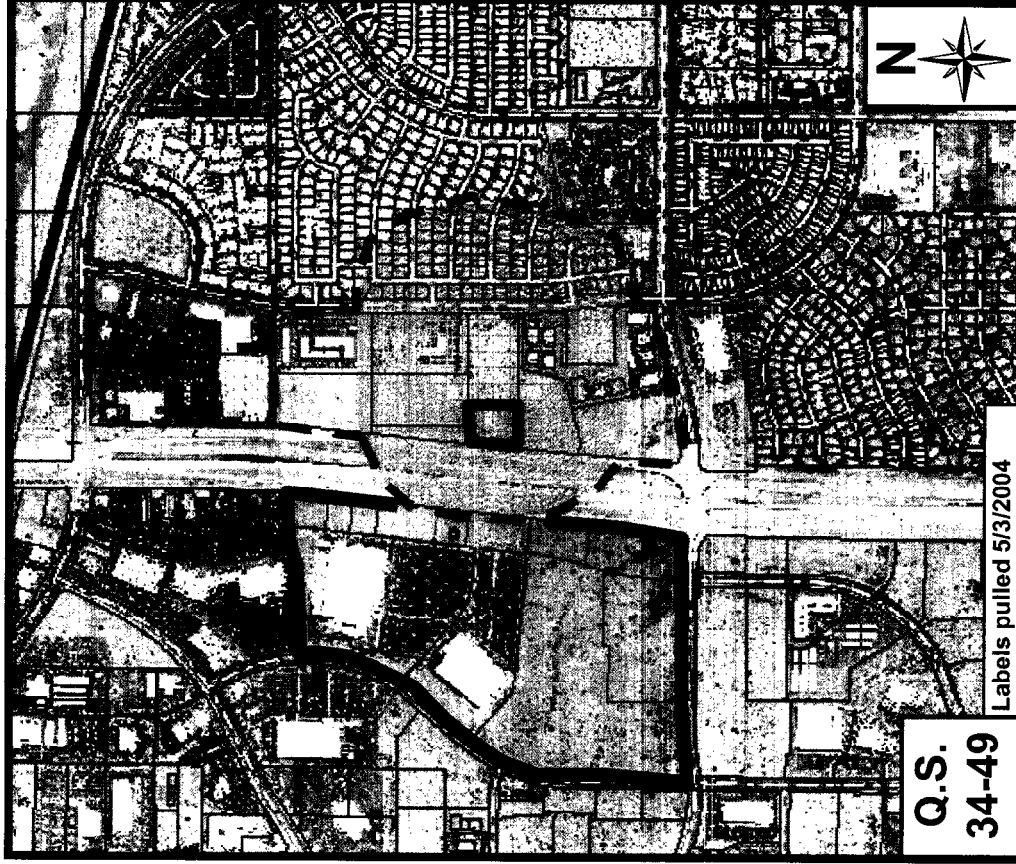
Return completed, notarized affidavit and pictures to Current Planning Services at least 20 days prior to Planning Commission hearing.

Current Planning Services  
7447 E. Indian School Road, Suite 105  
Scottsdale, AZ 85251  
480-312-7000





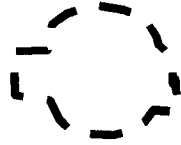
# City Notifications – Mailing List Selection Map



## Map Legend:



Site Boundary



Properties within 750-feet



Extended Selection  
(Additional properties notified)

## Additional Notifications:

- Interested Parties
- Coalition of Pinnacle Peak
- Adjacent HOAs

**9-ZN-2004**

**Pima Corridor Rezone**

ATTACHMENT #7

# **LEGEND** **SHARED ACCESS** **RESPONSIBILITIES**

EXISTING  
ROADWAY  
(CAVAN)



PROPOSED  
EASEMENT  
(SHERMAN)



PROPOSED EASEMENT  
(SHERMAN)

PARCEL 3  
"MAP OF DEDICATION & LOT SPLIT  
RAINTREE CORPORATE CENTER"  
(MAP BOOK 506, PG. 23)

A.P.N. 217-15-944  
(CAVAN)

30' WIDE  
ACCESS EASEMENT

GLO LOT 5  
A.P.N. 217-15-035A  
(SHERMAN)

EXISTING 33' G.O  
EASEMENT

EXISTING 33' G.O  
EASEMENT

EXISTING ROADWAY  
(CAVAN)

GLO LOT 7  
A.P.N. 217-15-033  
(WESOLOWSKI)

30' WIDE  
ACCESS EASEMENT

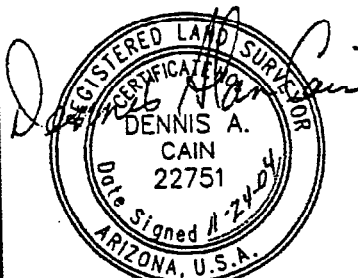
EASEMENT 'A'  
(M.B. 506, PG. 23)

PARCEL 1

(ORCCOA)

Note: "ORCCOA" stands for  
The Offices at Raintree  
Corporate Center Owners  
Association.

90TH STREET



NOT TO SCALE

**PROPOSED SHARED ACCESS EXHIBIT**  
**A.P.N. 217-15-035A & A.P.N. 217-15-944**  
ENCUMBERING PARCELS 1 AND 3, "MAP OF DEDICATION & LOT SPLIT  
RAINTREE CORPORATE CENTER", PER MB 506, PG 23  
PART OF WEST 1/2, SECTION 7, T. 3N., R. 5E.  
G. & S. R. B. & M., MARICOPA COUNTY, ARIZONA

Prepared by: DAC Consulting, Inc.

Date: Nov. 24, 2004

File: RCC4-1.dwg.v1

would end on its own or does it give you carte blanche over the next 35 years. Mr. Grant replied it would be our desire that it is an ongoing process. He reviewed how they anticipate this process to work. Commissioner Barnett inquired if the more substantive type things would come through the regular process and this is carte blanche for administrative things. Mr. Grant replied that is an excellent clarification. This is to clear up those things that we have seen a problem. If we see major issues such as an update to ESL or some other ordinance that is significant, we would bring that through a separate text amendment.

**COMMISSIONER STEINKE MOVED TO INITIATE 5-TA-2004 A TEXT AMENDMENT TO AMEND ALL SECTIONS OF THE CITY OF SCOTTSDALE ZONING ORDINANCE (455). SECOND BY COMMISSIONER SCHWARTZ.**

**THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).**

**CHAIRMAN GULINO** stated he has a card from Leon Spiro on cases 33-ZN-1997#3 and 9-ZN-2004. These cases have been continued to December 15, 2004.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

**LEON SPIRO**, 7814 E. Overlin Way, stated he knows these items have been continued to December 15, but did not believe he would be able to voice his concerns on that date. He requested a staff presentation.

**MR. JONES** explained that these cases are continued and staff was not prepared to give a presentation but can give an overall on both cases. Chairman Gulino stated the Commission does not feel they need a presentation but requested Mr. Spiro states his concerns.

**MR. SPIRO** stated the commissioners' are professionals in the development community. He inquired how many of you have ever had a vested interest or members of your family and friends have had a vested interest in the abandonment of a GLO patent easement.

**CHAIRMAN GULINO** reported these cases do not discuss the abandonment. The abandonment will come through as a separate case. He requested Mr. Spiro keep his comments relative to the cases at hand.

**MR. SPIRO** inquired what happened in 1997 and how this became an 11.5 acre parcel. He also inquired what type of easement is this. Ms. Bronski stated it is not really an easement it is a reserved access right that was reserved by the Federal Government when they were granting the GLO property to the

individuals that were under the Small Tract Act. She reiterated that it is not an easement but a reserved property right.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

**EXPEDITED AGENDA**

17-AB-2004 (129<sup>TH</sup> Street Abandonment) request owners to abandon the right of way for 129<sup>th</sup> Street between Cochise Road and Gold Dust Avenue and the 33 feet General Land Office patent easement on the eastern side of 129<sup>th</sup> Street.

(PULLED TO REGULAR AGENDA)

15-UP-2004 (Danny's Family Carwash) request by owner for conditional use permits for a car wash and a service station on a 2.6 +/- acre parcel located at 14651 N. Northsight Blvd with Central Business District (C-2) zoning.

(PULLED TO REGULAR AGENDA)

31-UP-2004 (Velocity Sports) request by owner for a conditional use permit for a health studio in a portion of the existing building located at 9171 E. Bell Road with Industrial Park Planned Community Development District (I-1 PCD) zoning.

33-UP-2004 (Paradise Valley Arsenic Removal Facility) request by owner for a conditional use permit for public utility buildings, structures or appurtenances thereto for public service uses on 8 +/- acres located at the 6000 block of N Miller (Cattletrack) Road with Single Family Residential District (R1-43) and Special Campus District, Historic Property (S-C HP) zoning.

(COMMISSIONER SCHWARTZ DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE VOTE.)

**COMMISSIONER BARNETT MOVED TO FORWARD CASE 31-UP-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL SUBJECT THAT IT MEETS THE USE PERMIT CRITERIA. SECOND BY COMMISSIONER SCHWARTZ.**

**THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).**

**COMMISSIONER BARNETT MOVED TO FORWARD CASE 33-UP-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL SUBJECT THAT IT MEETS THE USE PERMIT CRITERIA. SECOND BY COMMISSIONER HESS.**



**COMMISSIONER HEITEL MADE A MOTION TO APPROVE THE DECEMBER 1, 2004 MINUTES AS PRESENTED. SECOND BY VICE CHAIRMAN STEINBERG.**

**THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).**

**CONTINUANCES**

30-UP-2004 (Hacienda D Mexico Office/Warehouse) request by owner for a conditional use permit for furniture manufacturing and refinishing on a 1 +/- acre parcel located at 16098 N. 80<sup>th</sup> Street with industrial Park (I-1) zoning.

**COMMISSIONER HEITEL MOVED TO CONTINUE CASE 30-UP-2004 TO A DATE TO BE DETERMINED. SECOND BY COMMISSIONER SCHWARTZ.**

**THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).**

**EXPEDITED AGENDA**

35-UP-2004 (Terror Wine Bar) request by owner for a conditional use permit for a bar in an existing shopping center located at 7001 N. Scottsdale Road #157 with Central Business District, Parking District (C-2 P-4) zoning.

23-UP-2004 (Turquesa Equestrian Estates) request by owner for a conditional use permit for a community recreation (equestrian) facility on a 5 +/- acre parcel located at 28701 N. 70<sup>th</sup> Street (northeast corner of Dale Lane and 70<sup>th</sup> Street) with Single Family Residential District, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning.

14-ZN-2004 (94<sup>th</sup> Street) request by owner to rezone from Single Family Residential Environmentally Sensitive Lands District (R1-35 ESL) to Single Family Residential Environmentally Sensitive Lands District (R1-10 ESL) with amended development standards on a 25+/- acre parcel located at 18001 N. 94<sup>th</sup> Street.

33-ZN-1997#3 (Raintree Corporate Center) request by owner for site plan/stipulation amendments to case 33-ZN-1997#2 on 11 +/- acres located at the northeast corner of Raintree Drive and the Loop 101 frontage road with Central Business District (C-2) zoning.

9-ZN-2004 (Pima Corridor Rezone) request by owner to rezone from Single Family residential District (R1-35) to Industrial Park District (I-1) on a 2+/- acre parcel located north of northeast corner of Pima Freeway and Raintree Drive.

**COMMISSIONER HEITEL MOVED TO FORWARD CASE 35-UP-2004  
SUBJECT THAT IT MEETS THE USE PERMIT CRITERIA; CASE 23-UP-2004  
SUBJECT THAT IT MEETS THE USE PERMIT CRITERIA; CASE 14-ZN-2004;  
CASE 33-ZN-1997#3 WITH THE AMENDED STIPULATIONS, AND 9-ZN-2004  
TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL.  
SECOND BY COMMISSIONER SCHWARTZ.**

**THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0).**

**ADJOURNMENT**

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at approximately 5:05 p.m.

Respectfully Submitted,

"For the Record " Court Reporters